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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,130	02/20/2004	Laszlo Domokos	TS1461 (US)	1254
23632	7590	06/28/2007		
SHELL OIL COMPANY P O BOX 2463 HOUSTON, TX 772522463			EXAMINER NGUYEN, CAM N	
			ART UNIT	PAPER NUMBER
			1754	
			MAIL DATE	DELIVERY MODE
			06/28/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/783,130

**Applicant(s)**

DOMOKOS ET AL.

**Examiner**

Cam N. Nguyen

**Art Unit**

1754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05/17/07 (an election).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) 7-26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date originally filed.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### Response to Election/Restrictions

1. Applicant's election of Group I, claims 1-6, in the reply filed on May 17, 2007 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
2. Claims 7-26 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention(s), there being no allowable generic or linking claim. Election was made without traverse in the reply filed on May 17, 2007.

### Claim Rejections - 35 USC § 112 (Second Paragraph)

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
  - A. It would appear that nickel and cobalt are the metals of Group VIII and the molybdenum and tungsten are the metals of Group VIb, but the claim recites nickel and cobalt are of Group VIb and molybdenum and tungsten are of Group VIII metals. Thus, renders the claim unclear, vague and indefinite.

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B. The proper Markush terminology for Group VIb metal is --wherein the Group VIb metal component is selected from the group consisting of molybdenum, tungsten, and mixture thereof--

C. The proper Markush terminology for Group VIII metal is --and the Group VIII metal component is selected from the group consisting of nickel, cobalt, and mixture thereof--.

**Claim Rejections - 35 USC § 102(a)**

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

6. Claims 1-6 are rejected under 35 U.S.C. 102(a) as being anticipated by Rocha et al., “hereinafter Rocha”, (US Pat. 6,383,975 B1).

Rocha discloses a catalyst, which comprises a gamma alumina support having dispersed thereon or therein an oxide of a metal group IVB of the periodic table, wherein group IVB metal comprises titania (see col. 11, claims 10 & 11). The catalyst having a concentration of 8 to 15 wt.% of a metal from group VIB of the periodic table; and 1.5 to 5 wt% of a metal from group VIII of the periodic table (see col. 12, claim 12). The catalyst contains  $\text{TiO}_2$ /(metal oxide from group VIB + metal oxide from group VIII) in an atomic ratio of 0.3 to 0.5 (see col. 12, claim 13).

There is no patentable distinction seen between the claimed catalyst and that disclosed by Rocha. Thus, the claims are anticipated by the teaching of the reference.

**Claim Rejections - 35 USC § 102(b)**

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Landgraf et al., “hereinafter Landgraf”, (US Pat. 5,945,372).

Landgraf discloses a catalyst, which comprises titanium oxide present as titanium dioxide TiO<sub>2</sub>, etc.; vanadium oxide; and at least one further catalytically active component other than cobalt and silicon oxide (see col. 5, claim 1). Said catalytically active component is at least one selected from the group consisting of molybdenum, tungsten, copper, iron, chromium and manganese (see col. 5, claim 3). See also claims 4 – 6 of the reference.

There is no patentable distinction seen between the claimed catalyst and that disclosed by Landgraf. Thus, the claims are anticipated by the teaching of the reference.

**Citations**

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. All references are cited for related art. See PTO-892 Form prepared.

**Conclusion**

10. Claims 1-26 are pending. Claims 1-6 are rejected. Claims 7-26 are withdrawn due to nonelected (distinct) invention(s). No claims are allowed.

Contacts

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Primary Examiner Cam N Nguyen, whose telephone number is 571-272-1357. The examiner can normally be reached on M-F, 9:00 AM - 6:30 PM, at alternative work site.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stanley Silverman, can be reached on 571-272-1358. The fax phone number for the organization where this application or proceeding is assigned is 571-272-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Cam N. Nguyen/

Nguyen/cnn

Primary Examiner

June 24, 2007

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